

DRAFT

MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING:

10 JANUARY 2006

Pursuant to Council action at the organizational meeting of December 6, 2005 to change the January 2006 meeting dates, the City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, Thomas M. Phillips, and Goldie F. Wells. Absent: None. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag.

The Manager recognized Louise Britt, employee in the Budget and Evaluation Department, who served as courier for the meeting.

Mayor Holliday explained the Council procedure for conduct of the meeting.

.....

The Mayor recognized members of Boy Scout Troop 214 from Christ Community Church who were present for the meeting.

There were no speakers from the floor at this time.

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional District-General Office Moderate Intensity, Conditional District – General Office Moderate Intensity, and RS-12 Residential Single Family to Conditional District- Planned Unit Development for property located on the southeast side of New Garden Road between Brassfield Road and Medhurst Drive. He noted that this matter was being heard on appeal filed by Andrew M. Richelson after receiving a 7 to 1 vote at the Zoning Commission meeting to recommend approval of the rezoning, that this matter was continued from the 15 November 2005 Council meeting and that the public hearing had not been closed.

Mayor Holliday asked if anyone wished to be heard.

Randall “Randy” Dixon, representing Dixon Properties, developer of the property, requested Council to amend the proposed rezoning ordinance to remove the following conditions: (2f) Street connector will be tied into existing stub at Selkirk Drive, (2g) Stub street will connect to Northeastern side of development to four acre undeveloped tract, and (2h) Remove the words to Selkirk Drive with the condition to then read as follows: “Main road from New Garden Road and cul de sac roads in Single Family area will be public streets, built to Greensboro Department of Transportation (GDOT) standards.” Mr. Dixon recognized a large number of area residents who were present in the Chamber in support of the request.

Councilmember Gatten moved that Council allow the removal of connectivity conditions 2f and 2g based on the finding that connectivity in this instance is not reasonable nor in the public interest because: it will not enhance emergency response time, it will not comply with stated desired block lengths, it would materially increase traffic congestion in the area, it would encourage extraneous traffic thus increasing risks for pedestrians and for

bicycle safety, and negatively impacts natural areas including the crossing of one perennial stream and two other intermittent streams. The motion was seconded by Councilmember Phillips.

Councilmember Carmany expressed concern with Council's approval of a motion that was in direct conflict with information received from a Greensboro Fire Department representative that stated the proposed connectivity in the original conditions would improve response time for emergency vehicles. Councilmember Phillips pointed out that two other fire stations were closer than the next closest station and that he didn't see how eliminating the connectivity could increase emergency response time. The City Attorney advised that the information received from the Fire Department staff was not provable and was general in nature.

Council discussed with the City Attorney applicable changes in planning laws with respect to zoning cases and the requirement that Council must offer facts to ensure the proposed change is consistent with the comprehensive plan and that the change is reasonable for public good.

Councilmember Gatten's motion to remove conditions as specified earlier in the meeting was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: Carmany.

Councilmember Gatten thereupon moved that this public hearing be continued until the January 24, 2006 meeting of Council with re-advertising and re-notification of those interested parties of the new conditions. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Brief discussion was held with regard to the timeframe requirements for re-advertising and the consideration of the request at the January 24 meeting.

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (GFLUM) (Figure 4-2) from the Low Residential to the High Residential land use classification for a portion of the property located on the north side of Freeman Mill Road between Willomore Street and Glenwood Avenue, and an ordinance rezoning from RS-7 Residential Single Family to Conditional District- RM-18 Residential Multifamily for property located on the north side of Freeman Mill Road between Willomore Street and Glenwood Avenue. He noted that these matters were continued from the 20 December 2005 Council meeting and that the public hearing had not been closed.

Councilmember Bellamy-Small noted that a request had been received to continue these matters from Attorney Don Vaughan, representing the Glenwood neighborhood.

Michael S. Fox, 228 West Market Street, stated that he represented the applicant and developer of the property; he spoke to his work to move forward with this matter and spoke to his unsuccessful attempts to contact Attorney Vaughan to discuss the neighborhood's issues.

After brief discussion, Councilmember Gatten moved that the two ordinances be continued to the January 24, 2006 meeting of Council without further advertising. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits-located at 1149 Pleasant Ridge Road—0.325 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural and rezoning from City Zoning Conditional District-Light Industrial for property located on the west side of Pleasant Ridge Road north of West Market Street.

Richard “Dick” Hails, Planning Department Director, described the zoning proposal and surrounding property uses, used maps and photographs to illustrate the property and surrounding area, reviewed the conditions contained in the proposed ordinance and stated that the Zoning Commission and Planning staff recommended approval of the zoning.

Mayor Holliday asked if anyone wished to be heard.

Hani and Niveen Kattan, 1112 Satinwood Drive, owners of the property, spoke to their plans to develop the property, stated they believed the requested zoning was consistent with recent zoning changes in the area and would be good for the City, and requested Council to approve the annexation and original zoning.

There being no other citizens desiring to speak to these items, Councilmember Bellamy-Small moved to close the public hearing on the two items. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Mr. Hails noted that this area was in transition and reviewed the types of zoning uses in the area; he stated the request was consistent with the GFLUM and that staff believed the proposed use was compatible with the area and recommended approval.

The City Attorney reviewed the changes in North Carolina State law and explained the need for a zoning amendment statement by the Council on consistency with the adopted Comprehensive Plan. She advised that under the new planning law, Council should find facts that the zoning would be consistent with the adopted Connections 2025 Comprehensive Plan if they wished to approve the request or facts that it would be inconsistent with the Plan if they wished to deny the request.

Councilmember Phillips moved approval of the ordinance and that the Greensboro City Council believes that its action to approve the zoning amendment, located on Long Valley Road from County AG to City RS-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest. He stated that the factors that support approval of the rezoning request include 1) the amendment is generally consistent with the land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map-Low Residential, 2) Policy 5A.4: Require land dedication along designated streams at the time of development; and 3) Housing and Neighborhoods Goal: Meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The motion was seconded by Councilmember Carmany.

The City Attorney noted that in the future, Council should find facts for the zoning request after the adoption of the companion annexation ordinance.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits (1149 Pleasant Ridge Road—0.325 acres. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-1 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (1149 PLEASANT RIDGE ROAD – 0.325 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of November 30, 2005, said point being 200 feet northwest of and normal to the northwest right-of-way line of Pleasant Ridge Road and being in the south line of property of Emad N., Hani N., and Niveen N. Kattan., recorded at Deed Book 6196, Page 655 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 85° 35’ 50” W approximately 80 feet along Kattan’s south line to Kattan’s southwest corner, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 9° 26’ 43” E 143.39

feet along Kattan's west line to Kattan's northwest corner; thence S 85° 25' 50" E approximately 120 feet along Kattan's north line to a point; thence continuing with the existing city limits in a southwesterly direction approximately 154 feet to the point and place of BEGINNING, and containing approximately 0.325 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2006, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2006.

(Signed) Thomas M. Phillips

.....

Councilmember Phillips reiterated his earlier motion to adopt the ordinance establishing original zoning classification from County Zoning Agricultural and rezoning from City Zoning Conditional District-Light Industrial for property located on the west side of Pleasant Ridge Road north of West Market Street with supporting factors outlined prior to the adoption of the annexation. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-2 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF PLEASANT RIDGE ROAD NORTH OF WEST MARKET STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and rezoning from City Zoning RS-40 Residential Single Family to City Zoning Conditional District – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the western right-of-way line of Pleasant Ridge Road, said point being the southeast corner of Grace H. Rumsey as recorded in Deed Book 5157, Page 2011 in the Office of the Guilford County Register of Deeds; thence along said western right-of-way line S27°02'11"W 149.97 feet to a point; thence continuing along said right-of-way line S23°32'09"W 171.98 feet to a point; thence leaving said right-of-way line N01°37'22"E 164.22 feet to a point, said point being a corner of Tarheel Triad Girl Scouts Council, Inc. as recorded in Deed Book 4740, Page 1607; thence along the line of Tarheel Triad Girl Scouts Council, Inc. N89°09'16"W 80.24 feet to a point; thence N85°35'50"W 146.79 feet to a point; thence N09°26'43"E 143.39 feet to a point; thence S85°25'50"E 336.32 feet to the point and place of BEGINNING, as shown on "Survey for: Emad Kattan" prepared by Morgan Surveying & Design and dated December 14, 2004.

Section 2. That the original zoning of Conditional District – Light Industrial is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: General contractors office and storage yard.
- 2) Building setbacks shall be a minimum of 50 feet from Pleasant Ridge Road.
- 3) Signage shall be as Corporate Park requirements.
- 4) A street planting yard of 15 feet minimum shall be provided along Pleasant Ridge Road.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits-located at 1149 Pleasant Ridge Road—0.325 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural and rezoning from City Zoning Conditional District – Light Industrial for property located on the west side of Pleasant Ridge Road north of West Market Street.

Mr. Hails described the zoning proposal and surrounding property uses, used maps and photographs to illustrate the property and surrounding area, noted there were no conditions contained in the proposed ordinance and stated that the Zoning Commission and Planning staff recommended approval of the zoning.

The Mayor asked if anyone wished to speak to the these matters.

Derrick Allen, attorney with offices at 230 North Elm Street, stated that he represented the developer and owners of the property. He spoke to contact with adjoining property owners, offers to meet with members of the neighborhood, and the fact that he had not received opposition with regard to this annexation and zoning. Mr. Allen spoke to the topography of the property and the proposed development, stated that he believed the proposal fit the comprehensive plan, and requested Council to approve the annexation and zoning.

There being no other citizens desiring to speak to these items, Councilmember Bellamy-Small moved to close the public hearing on both ordinances. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Mr. Hails described the character of the area and surrounding development, stated that the proposed density conformed with the GFLUM designation for low-density and advised that the Zoning Commission and Planning staff recommended approval.

Discussion was held with regard to the fact that the Technical Review Committee (TRC) had recommended a street extension that would destroy trees on the property; Councilmember Phillips noted that there were no conditions in the proposed ordinance that required the developer to maintain trees on the property.

Councilmember Bellamy-Small moved adoption of the ordinance annexing territory to the corporate limits (4636-4640 Long Valley Road-31.65 acres. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Phillips and Wells. Noes: None.

06-3 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (4636-4640 LONG VALLEY ROAD – 31.65 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits (as of November 30, 2005), said point being the southwest corner of Lot 70 in Phase Three of Highland Grove, as recorded in Plat Book 125, Page 75 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 88° 54' 42" W 371.25 feet along the south line of said Phase Three to an existing iron pipe at the southeast corner of Lot 68 in said Phase; thence S 76° 32' 22" E 161.71 feet along the south line of Common Area of said Phase to a stone; thence S 74° 25' 08" E 527.84 feet along the south lines of said Common Area and of Phase Five, Map 1 of said subdivision, as recorded in Plat Book 129, Page 130, to an existing iron pipe on the west right-of-way line of Broadleaf Road; thence S 74° 25' 08" E 50.00 feet along the south line of said Map 1 to a point on the east right-of-way line of said road; thence S 74° 25' 08" E 179.70 feet along the south lines of said Map 1 and of Map 2 of said Phase, as recorded in Plat Book 129, Page 131, to a point on the south line of Common Area on said Map 2; thence S 72° 26' 30" E 626.39 feet along said south line and the south line of City of Greensboro and Guilford County, as recorded in Deed Book 4304, Page 1042, to the southeast corner of said property; also being the northeast corner of Combs, Inc., as recorded in Deed Book 6189, Page 547; thence S 24° 06' 42" W 199.18 feet along the east line of Combs to the northeast corner of Gary W. and Bobbie Jean Long, as recorded in Deed Book 3269, Page 577; thence proceeding with Long's east, south, and west lines the following bearings and distances: S 23° 58' 32" W 427.08 feet to a point, S 67° 00' 30" W 767.08 feet to a point, S 77° 24' 34" W 351.45 feet to a point, N 45° 33' 30" W 219.43 feet to a point, and N 17° 24' 08" W 253.30 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along a new line across Long's property S 81° 49' 07" E 143.21 feet to a point; thence along another new line N 04° 56' 21" E 696.66 feet to a point in the south line of Combs; thence with the south line of Combs N 76° 25' 40" W 472.24 feet to a point in the east right-of-way line of Long Valley Road; thence N 11° 17' 51" W 2.64 feet with said right-of-way line to a point; thence continuing with said right-of-way line along a curve to the left with a length of 198.92 feet, a radius of 860.95 feet, and a chord bearing and distance of N 17° 54' 59" W 198.47 feet to the point and place of BEGINNING, and containing 31.65 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2006, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2006.

(Signed) T. Dianne Bellamy-Small

.....

Councilmember Johnson moved adoption of the ordinance and that the Greensboro City Council believes that its action to approve the zoning amendment, located on Long Valley Road from County AG to City RS-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable. She stated that the factors that support approval of the rezoning request include: 1) The amendment is generally consistent with the land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map-Low Residential; 2) Policy 5A.4: Require land dedication along designated streams at the time of development; and 3) Housing and Neighborhoods Goal: Meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-4 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF LONG VALLEY ROAD SOUTH OF THE TERMINUS OF BROADLEAF ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits (as of November 30, 2005), said point being the southwest corner of Lot 70 in Phase Three of Highland Grove, as recorded in Plat Book 125, Page 75 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 88° 54' 42" W 371.25 feet along the south line of said Phase Three to an existing iron pipe at the southeast corner of Lot 68 in said Phase; thence S 76° 32' 22" E 161.71 feet along the south line of Common Area of said Phase to a stone; thence S 74° 25' 08" E 527.84 feet along the south lines of said Common Area and of Phase Five, Map 1 of said subdivision, as recorded in Plat Book 129, Page 130, to an existing iron pipe on the west right-of-way line of Broadleaf Road; thence S 74° 25' 08" E 50.00 feet along the south line of said Map 1 to a point on the east right-of-way line of said road; thence S 74° 25' 08" E 179.70 feet along the south lines of said Map 1 and of Map 2 of said Phase, as recorded in Plat Book 129, Page 131, to a point on the south line of Common Area on said Map 2; thence S 72° 26' 30" E 626.39 feet along said south line and the south line of City of Greensboro and Guilford County, as recorded in Deed Book 4304, Page 1042, to the southeast corner of said property; also being the northeast corner of Combs, Inc., as recorded in Deed Book 6189, Page 547; thence S 24° 06' 42" W 199.18 feet along the east line of Combs to the northeast corner of Gary W. and Bobbie Jean Long, as recorded in Deed Book 3269, Page 577; thence proceeding with Long's east, south, and west lines the following bearings and distances: S 23° 58' 32" W 427.08 feet to a point, S 67° 00' 30" W 767.08 feet to a point, S 77° 24' 34" W 351.45 feet to a point, N 45° 33' 30" W 219.43 feet to a point, and N 17° 24' 08" W 253.30 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along a new line across Long's property S 81° 49' 07" E 143.21 feet to a point; thence along another new line N 04° 56' 21" E 696.66 feet to a point in the south line of Combs; thence with the south line of Combs N 76° 25' 40" W 472.24 feet to a point in the east right-of-way line of Long Valley Road; thence N 11° 17' 51" W 2.64 feet with said right-of-way line to a point; thence continuing with said right-of-way line along a curve to the left with a length of 198.92 feet, a radius of 860.95 feet, and a chord bearing and distance of N 17° 54' 59" W 198.47 feet to the point and place of BEGINNING, and containing 31.65 acres.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Yvonne J. Johnson

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) from the Moderate

Residential and Mixed Use Corporate Park to the Industrial land use classification for a portion of the property located along both sides of Knox Road at the northeast quadrant of the I-40/85 and Urban Loop Interchange. He thereupon introduced so these matters could be discussed together, an ordinance annexing territory to the corporate limits-located at 1089 Knox Road—41.0 acres; an ordinance establishing original zoning classification from County Zoning Corporate Park and rezoning from City Zoning Conditional District – RS-9 Residential Single Family, Conditional District – RM-5 Residential Multifamily and Corporate Park to City Zoning Conditional District- Light Industrial for property located on the north and south sides of Knox Road at the northwest quadrant of the I-40/85 & Urban Loop Interchange; and an ordinance establishing original zoning classification from County Zoning Corporate Park and rezoning from City Zoning Corporate Park to City Zoning Conditional District – Light Industrial for property located on the east and west sides of Knox Road north of I-40/85.

Noting that these annexations and zoning requests involved two separate cases, Mr. Hails described the zoning proposals and surrounding property uses, used maps and photographs to illustrate the properties and surrounding area, reviewed the condition contained in the proposed ordinance with respect to the north and south sides of Knox Road at the northeast quadrant of the I-40/85 Urban Loop Interchange, and stated that the Zoning Commission and Planning staff recommended approval of the zoning items.

Mayor Holliday asked if anyone wished to speak to these matters.

Derrick Allen, attorney representing Replacements, LLC, spoke to the operation of the company, its contributions to the community, the assembling of property for this project, and the company's plans to significantly increase the size of the existing facility. He commended City staff for working to make this economic development project a success and requested Council to approve the annexation and zoning items.

There being no other citizens desiring to speak to these items, Councilmember Johnson moved to close the public hearing on the four ordinances. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Mr. Hails stated staff believed the proposed zonings were compatible with the GFLUM and would have a minimal impact on surrounding property; he stated the Zoning Commission and Planning staff recommended approval.

After brief Council comments, Councilmember Gatten moved adoption of the ordinance amending the Generalized Future Land Use Map of the Greensboro Connections 2025 Comprehensive Plan, incorporated by reference in the Greensboro Code of Ordinances with respect to Zoning, Planning and Development Chapter 30, Section 30-1-10. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-05 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from Moderate Residential and Mixed Use Corporate Park to Industrial/Corporate Park for a portion of the property located on both sides of Knox Road at the northeast quadrant of the I-40/85 and Urban Loop Interchange has been received by the Planning Department; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective on January 10, 2006.

(Signed) Florence F. Gatten

.....

Councilmember Gatten moved adoption of the ordinance annexing territory to the Corporate Limits (1089 Knox Road-41.0 acres). The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-6 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (1089 KNOX ROAD – 41.0 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite city limit line (as of November 30, 2005), said point being the northwest corner of Lot 1 of Robert L. Page and Carolina Income Properties 1 Limited Partnership, as recorded at Plat Book 100, Page 7 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the southern right-of-way line of Knox Road (S.R. # 3142) in an easterly and then a southeasterly direction approximately 2,987 feet to the easternmost corner of Lot 3 of said subdivision; thence in a westerly direction with the north line of Interstate 40/85 and the northeast line of the ramp onto I-840 northbound approximately 3,200 feet to a point in the west line of said Lot 1; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 49° 04' 40" E 263.81 feet with the west line of said Lot 1 to a point; thence N 57° 44' 14" E 190.83 feet with said west line to a point; thence N 0° 50' 11" E 114.50 feet with said west line to the point and place of BEGINNING, and containing approximately 41.0 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2006, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2006.

(Signed) Florence F. Gatten

.....

Councilmember Gatten moved adoption of the ordinance and that the Greensboro City Council believes that its action to approve the zoning amendment, located on Knox Road from County CP and City CD-RS-9, CD-RM-5 and CP to City CD-LI, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest; she stated that the factors that support approval of the rezoning requests include: 1) Tier One Area: where infrastructure systems are in place and where continued annexation and consolidation of the City's development pattern shall be encouraged over the next ten years; 2) Economic Development Goal: promote a healthy, diversified economy with a strong tax base and opportunities for employment; and 3) Policy 7C: ensure that City land use policies and regulations allow for an adequate supply of land to accommodate economic development. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-7 AMENDING OFFICIAL ZONING MAP

NORTH AND SOUTH SIDES OF KNOX ROAD AT THE NORTHEAST QUADRANT OF THE I-40/85 & URBAN LOOP INTERCHANGE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Corporate Park and rezoning from City Zoning Conditional District – RM-5 Residential Multifamily and Corporate Park to City Zoning Conditional District – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

Beginning at a new iron pipe on the future 60 foot northern right-of-way of Knox Road realigned and in the western line of Mildred Paisley and Helen Sockwell as recorded in Deed Book 1728, Page 95 of the Guilford County Register of Deeds said point being North 21 deg. 41 min. 58 sec. East 68.53 feet from the southwest corner of the aforementioned Mildred Paisley and Helen Sockwell property. Thence from the Point of Beginning with a new line crossing the proposed Knox Road South 15 deg. 45 min. 15 sec. West 133.76 feet to a point on the old southern right-of-way of Knox Road which is to be abandoned; thence running with the old southern right-of-way of Knox Road the following two bearing breaks: 1) along a curve to the left, having a radius of 531.00 feet and a chord bearing and distance of North 80 deg. 24 min. 29 sec. West 114.00 feet to a point; 2) North 86 deg. 34 min. 12 sec. West 409.66 feet to a point; thence running with the western line of Robert L. Page as shown in Plat Book 100, Page 7 the following three bearing breaks; 1) South 01 deg. 01 min. 05 sec. East 733.06 feet to a point; 2) South 50 deg. 36 min. 19 sec. West 109.62 feet to a point; 3) South 09 deg. 18 min. 12 sec. East 62.89 feet to a point on the northern right-of-way of Interstates 40 & 85; thence running with the northern right-of-way of Interstates 40 & 85 the following four bearing breaks: 1) North 75 deg. 33 min. 05 sec. West 183.15 feet to a point; 2) along a curve to the left, having a radius of 2854.76 feet and a chord bearing and distance of North 78 deg. 14 min. 24 sec. West 39.86 feet to a point; 3) North 77 deg. 06 min. 50 sec. West 72.35 feet to a point; 4) along a curve to the right, having a radius of 2854.76 feet and a chord bearing and distance of North 65 deg. 25 min. 26 sec. West 1085.89 feet to a point; thence running with the southeastern line of A. D. Garrison, Jr. and Mary Lou B. Garrison, William David Batts and Inez H. Batts as recorded in Deed Book 4158, Page 153 of the Guilford County Register of Deeds the following two bearing breaks: 1) North 46 deg. 58 min. 16 sec. East 263.81 feet to a point; 2) North 55 deg. 37 min. 49 sec. East 190.83 feet to a point; thence running with the aforementioned Garrison and Batts's eastern property line the following two bearing breaks: 1) North 01 deg. 16 min. 13 sec. West 224.87 feet to a point on the existing southern right-of-way of Knox Road; 2) North 01 deg. 01 min. 02 sec. East 98.91 feet to a point on the existing northern right-of-way of Knox Road; thence running with the existing northern right-of-way of Knox Road North 88 deg. 16 min. 19 sec. West 20.60 feet to a point on the northern right-of-way of Knox Road; thence running with the northern right-of-way of the Knox Road, the following three bearing breaks: 1) along a curve to the left, having a radius of 270.00 feet and a chord bearing and distance of North 45 deg. 49 min. 20 sec. East 231.61 feet to a point; 2) along a curve to the right, having a radius of 450.00 feet and a chord

bearing and distance of North 37 deg. 00 min. 28 sec. East 256.88 feet to a point; 3) North 58 deg. 18 min. 22 sec. East 73.97 feet to a point on the eastern right-of-way of Redland Drive; thence running with the eastern right-of-way of the Redland Drive, the following three bearing breaks: 1) North 30 deg. 32 min. 48 sec. West 208.33 feet to a point; 2) along a curve to the left, having a radius of 528.00 feet and a chord bearing and distance of North 33 deg. 47 min. 30 sec. West 59.78 feet to a point; 3) along a curve to the right, having a radius of 20.00 feet and a chord bearing and distance of North 00 deg. 03 min. 47 sec. West 24.06 feet to a point on the southern right-of-way Winding Creek Drive; thence running with the southern right-of-way of Winding Creek Drive along a curve to the right, having a radius of 725.00 feet and a chord bearing and distance of North 41 deg. 16 min. 10 sec. East 110.20 feet to a point; thence running with the eastern property line of Mt. Hope Investment, LLC as described in Deed Book 5854, Page 2572 in the Guilford County Registry South 29 deg. 10 min. 39 sec. East 307.86 feet to a point; thence running with the aforementioned southern line of Mt. Hope Investments, LLC North 81 deg. 48 min. 50 sec. East 1374.35 feet to a point; thence running with the aforementioned western line of Mildred Paisley and Helen Sockwell the following two bearing breaks: 1) South 21 deg. 24 min. 08 sec. West 637.82 feet to a point; 2) South 21 deg. 41 min. 58 sec. West 205.52 feet to a point on the northern right-of-way of the relocated Knox Road; thence running with the northern right-of-way of the relocated Knox Road along a curve to the left, having a radius of 735.00 feet and a chord bearing and distance of South 35 deg. 34 min. 35 sec. East 82.79 feet to the Point and Place of Beginning and containing 47.706 acres, more or less.

Section 2. That the original zoning and rezoning to Conditional District – Light Industrial is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses permitted in the LI zoning district except: agricultural chemicals, pesticides and fertilizer; recycling centers; land clearing and inert debris landfills; junked motor vehicles; drug manufacturing; and stone cutting.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Florence F. Gatten

.....

Councilmember Johnson moved adoption of the ordinance and reiterated that Councilmember Gatten's earlier motion was applicable to this rezoning request – "that the Greensboro City Council believes that its action to approve the zoning amendment, located on Knox Road from County CP and City CD-RS-9, CD-RM-5 and CP to City CD-LI, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest; she stated that the factors that support approval of the rezoning requests include: 1) Tier One Area: where infrastructure systems are in place and where continued annexation and consolidation of the City's development pattern shall be encouraged over the next ten years; 2) Economic Development Goal: promote a healthy, diversified economy with a strong tax base and opportunities for employment; and 3) Policy 7C: ensure that City land use policies and regulations allow for an adequate supply of land to accommodate economic development." The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-8 AMENDING OFFICIAL ZONING MAP

EAST AND WEST SIDES OF KNOX ROAD NORTH OF I-40/85

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Corporate Park and rezoning from City Zoning Corporate Park to City Zoning Conditional District – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

Beginning at a new iron pipe on the future 60 foot northern right-of-way of Knox Road realigned and in the western line of Mildred Paisley and Helen Sockwell as recorded in Deed Book 1728, Page 95 of the Guilford County Register of Deeds said point being North 21 deg. 41 min. 58 sec. East 68.53 feet from the southwest corner of the aforementioned Mildred Paisley and Helen Sockwell property. Thence from the Point of Beginning in a new line along the southern line of the aforementioned Mildred Paisley and Helen Sockwell the following three bearing breaks: 1) South 87 deg. 08 min. 54 sec. East 225.40 feet to a point; 2) South 88 deg. 25 min. 51 sec. East 199.71 feet to a point; 3) South 88 deg. 16 min. 39 sec. East 1227.07 feet to a point; thence running along the western line of Cletus E. Doby as recorded in Deed Book 2544, Page 551 of the Guilford County Registry South 01 deg. 41 min. 50 sec. East 455.75 feet to a point; thence running with the northern line of Louis G. Wray and Sallie S. Wray as recorded in Deed Book 2446, Page 220 South 87 deg. 50 min. 05 sec. West 415.59 feet to a point; thence running with western line of the aforementioned Louis G. Wray and Sallie S. Wray the following three bearing breaks: 1) South 01 deg. 59 min. 25 sec. West 314.98 feet to a point; 2) South 02 deg. 00 min. 47 sec. West 139.90 feet to a point; 3) South 27 deg. 29 min. 56 sec. East 59.13 feet to a point on the northern right-of-way of Knox Road; thence South 27 deg. 29 min. 56 sec. East 20.48 feet to a point; thence North 87 deg. 50 min. 51 sec. West 153.14 feet to a point on the southern right-of-way of Knox Road and the northern right-of-way of Interstates 40 & 85; thence running with the northern right-of-way of Interstates 40 & 85 the following eight bearing breaks: 1) North 87 deg. 50 min. 51 sec. West 49.01 feet to a point; 2) North 65 deg. 59 min. 34 sec. West 80.67 feet to a point; 3) North 87 deg. 51 min. 34 sec. West 150.08 feet to a point; 4) South 67 deg. 21 min. 28 sec. West 71.53 feet to a point; 5) North 87 deg. 54 min. 43 sec. West 174.25 feet to a point; 6) North 88 deg. 10 min. 17 sec. West 419.02 feet to a point; 7) North 88 deg. 10 min. 17 sec. West 480.16 feet to a point; 8) North 81 deg. 49 min. 23 sec. West 328.34 feet to a point; thence running with the eastern line of Robert L. Page as shown in Plat Book 100, Page 7 and Plat Book 116, Page 20 the following three bearing breaks: 1) North 09 deg. 18 min. 12 sec. West 62.89 feet to a point; 2) North 50 deg. 36 min. 19 sec. East 109.62 feet to a point; 3) North 01 deg. 01 min. 05 sec. West 733.06 feet to a point on the old southern right-of-way of Knox Road which is to be abandoned; thence running with the old southern right-of-way of Knox Road the following two bearing breaks: 1) South 86 deg. 34 min. 12 sec. East 409.66 feet to a point; 2) along a curve to the right having a radius of 531.00 feet and a chord bearing and distance of South 80 deg. 24 min. 29 sec. East 114.00 feet to a point; thence running North 15 deg. 45 min. 15 sec. East 133.76 feet to the Point and Place of Beginning and containing 44.421 acres, more or less.

Section 2. That the original zoning and rezoning to Conditional District – Light Industrial is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses permitted in the LI zoning district except: agricultural chemicals, pesticides and fertilizer; recycling centers; land clearing and inert debris landfills; junked motor vehicles; drug manufacturing; and stone cutting.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Yvonne J. Johnson

.....

Councilmember Bellamy-Small moved adoption of the resolution, ordinances and motion listed on the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

1-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2003-03 WITH YATES CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF THE HILLTOP ROAD IMPROVEMENTS

WHEREAS, Contract No. 2003-03 with Yates Construction Company, Inc. provides for construction of the Hilltop Road improvements;

WHEREAS, due to a design change in the creek crossing structure in order to meet approval by the North Carolina Department of Transportation, additional work will be associated with its construction, thereby necessitating a change order in the contract in the amount of \$333,207.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Yates Construction Company, Inc. for the construction of the Hilltop Road improvements is hereby authorized at a total cost of \$333,207.00, payment of said additional amount to be made from Account No. 401-4531-01.6014 Activity 03222.

(Signed) T. Dianne Bellamy-Small

.....

06-9 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS AND RECREATION HESTER PARK LAKE FISH RE-STOCKING GRANT AS PART OF THE CONSTRUCTION OF DAM AT OKA T. HESTER PARK PROJECT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-6052-01.5239	Miscellaneous Supplies	<u>\$15,000</u>
Total		\$15,000

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-6052-01.7110	State Grant	<u>\$15,000</u>
Total		\$15,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

.....

06-10 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS
AND RECREATION PHASE II SOUTHEAST CONNECTOR TRAIL GRANT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5004-01.6019	Other Improvements	<u>\$50,000</u>
Total		\$50,000

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5004-01.7110	State Grant	<u>\$50,000</u>
Total		\$ 50,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

.....

Motion to approve minutes of regular meeting of December 20, 2005 was unanimously adopted.

.....

Mayor Holliday introduced a resolution approving bid in the amount of \$15,760,000 and authorizing Contract No. 2005-032 with T. A. Loving, Inc. for the North Buffalo Sewer Transfer Pump Station Project.

In response to the Mayor's inquiry with regard to the significant bid price, the City Manager; Don Kimbro, representing the Engineering and Inspections Department; and Allan Williams, Water Resources Department Director; detailed the project and stated it would help alleviate sewer capacity problems and provide operational improvements for the North Buffalo Water Reclamation Facility and the T. Z. Osborne Water Reclamation Facility. Mr. Williams noted that after the overflow in Latham Park, Greensboro was placed on notice and agreed to remedy the problem; he advised the project was required as part of a special order of consent with the North Carolina Division of Water Quality. Mr. Williams stated that because there were a limited number of firms with the ability to perform this project, it was reflected in the high bid prices; he also emphasized that it was important that the project not be delayed.

Councilmember Gatten moved adoption of the resolution. The motion was seconded by councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

2-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-032 WITH T. A. LOVING, INC. FOR THE NORTH BUFFALO SEWER TRANSFER PUMP STATION PROJECT

WHEREAS, after due notice, bids have been received for the North Buffalo Transfer Pump Station project;

WHEREAS, T. A. Loving, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$15,760,000.00 as general contractor for Contract No. 2005-32, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by T. A. Loving, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$15,760,000.00 from Account No. 511-7062-07.6017 #05137.

(Signed) Florence F. Gatten

(A tabulation of bids for the North Buffalo Sewer Transfer Pump Station Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

* * * * *

Mayor Holliday introduced the following resolution, which was read by title and summarized by the City Attorney:

RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$12,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT
BONDS, SERIES 2006

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. The City Council has determined and does hereby find, declare and represent:

(a) That orders authorizing not exceeding \$71,750,000 Street Improvement Bonds, \$34,200,000 Parks and Recreational Facilities Bonds and \$2,800,000 Neighborhood Redevelopment Bonds of the City of Greensboro, North Carolina (the "Issuer") were adopted by the City Council of the Issuer on August 15, 2000, each of which orders was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 7, 2000.

(b) That \$17,330,000 principal amount of the Street Improvement Bonds and \$16,600,000 principal amount of the Parks and Recreational Facilities Bonds mentioned in subparagraph (a) above have been issued as part of an issue of \$50,000,000 General Obligation Public Improvement Bonds, consisting of (i) \$40,000,000 principal amount of bonds dated February 1, 2003, maturing on February 1 in the years 2004 to 2020, inclusive, and designated, for purposes of identification only, as "General Obligation Public Improvement Bonds, Series 2003A," and (ii) \$10,000,000 principal amount of bonds dated February 19, 2003, maturing on February 1 in the years 2021 to 2023, inclusive, and designated, for purposes of identification only, "General Obligation Public Improvement Bonds, Series 2003B," that an additional \$4,500,000 principal amount of the Parks and Recreational Facilities Bonds mentioned in subparagraph (a) above has been issued as part of an issue of \$14,580,000 General Obligation Public Improvement Bonds, Series 2005A, dated February 1, 2005 and maturing on February 1 in the years 2006 to

2023, inclusive, and that none of the Neighborhood Redevelopment Bonds mentioned in subparagraph (a) above have been issued.

(c) That no notes have been issued and are outstanding in anticipation of the receipt of the proceeds of the sale of the authorized but unissued Street Improvement Bonds, Parks and Recreational Facilities Bonds and Neighborhood Redevelopment Bonds.

(d) That it is necessary at this time to issue an additional \$4,000,000 of the Street Improvement Bonds, an additional \$6,500,000 of the Parks and Recreational Facilities Bonds and \$1,500,000 of the Neighborhood Redevelopment Bonds mentioned in subparagraph (a) above.

(e) That it is desirable to consolidate for the purpose of their issuance and sale said bonds to be issued as described in subparagraph (d) above into a single issue of bonds, such bonds to be designated "General Obligation Public Improvement Bonds, Series 2006" (the "Bonds").

(f) That the weighted average of the maximum period of usefulness of the improvements to be financed with the proceeds of the Bonds to be issued as described in subparagraph (e) above is estimated as a period of at least 20 years from February 1, 2006 the date of the Bonds to be issued as hereinafter provided, and that such period expires on February 1, 2026.

Section 2. Pursuant to said order, there shall be issued bonds of the Issuer in the aggregate principal amount of \$12,000,000, designated "General Obligation Public Improvement Bonds, Series 2006" and dated February 1, 2006 (the "Bonds"). The Bonds shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) annually, February 1, \$705,000 2007 to 2022, inclusive, and \$720,000 2023, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina (the "LGC") at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable semiannually on February 1 and August 1 of each year, commencing August 1, 2006, until payment of such principal sum.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds will be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One fully-registered Bond certificate for each stated maturity of the Bonds, registered in the name of Cede & Co., the nominee of The Depository Trust Company, New York, New York ("DTC"), or such other name as may be requested by an authorized representative of DTC, will be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal or redemption price of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter or such other place as the Issuer may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books. Transfer of principal, redemption price and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal, redemption price and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Director of the Issuer determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book-entry system with DTC. If the Issuer identifies another qualified securities depository to

replace DTC, the Issuer will make arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by DTC and others. Upon the request of DTC, the Issuer may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Mayor or City Manager and the City Clerk or any Deputy City Clerk of the Issuer and the corporate seal or a facsimile of the corporate seal of the Issuer shall be impressed or printed, as the case may be, on the Bonds.

The certificate of the LGC to be endorsed on all Bonds shall bear the manual or facsimile signature of the Acting Secretary of the LGC or any assistant designated by her, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the LGC whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds to be registered in the name of Cede & Co. or any other nominee designated by an authorized representative of DTC and the endorsements thereon shall be in substantially the following forms:

UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION ("DTC"), TO ISSUER OR ITS AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUIRED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

No. R-

\$.....

United States of America
State of North Carolina
County of Guilford

CITY OF GREENSBORO
GENERAL OBLIGATION PUBLIC IMPROVEMENT
BOND, SERIES 2006

Maturity Date

Interest Rate

CUSIP

February 1, 20..

.....%

395460

The City of Greensboro, North Carolina (the "Issuer"), a municipal corporation located in the County of Guilford, North Carolina, is justly indebted and, for value received, hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Finance Director of the Issuer (the "Bond Registrar"), which, as of the date hereof, is located at 300 West Washington Street, Greensboro, North Carolina 27401, the principal sum of

..... DOLLARS

and to pay interest on such principal sum from the date hereof or from the February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable semiannually on February 1 and August 1 in each year, commencing August 1, 2006, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of the Issuer. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of the Issuer are hereby irrevocably pledged.

This bond is one of an issue of bonds designated "General Obligation Public Improvement Bonds, Series 2006" (the "Bonds") and issued by the Issuer for the purpose of providing funds, together with any other available funds, for acquiring, constructing, enlarging and improving certain public facilities of the Issuer, and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, three orders adopted by the City Council of the Issuer, each of which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held, and a resolution duly passed by said City Council (the "Resolution").

The Bonds maturing prior to February 1, 2017 are not subject to redemption prior to maturity. The Bonds maturing on February 1, 2017 and thereafter may be redeemed, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than February 1, 2016, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000 and, further, that so long as a book-entry system with The Depository Trust Company, New York, New York ("DTC") is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC shall determine by lot the amount of the interest of each direct participant in the Bonds to be redeemed. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and given by certified or registered mail to Cede & Co., the nominee of DTC, or such other person as shall be requested by an authorized representative at DTC, at its address appearing upon the registration books of the Issuer. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such Bonds or portions thereof on such date, plus accrued interest to such date, and, if moneys for payment of such redemption price and the accrued interest have been deposited by the Issuer as provided in the Resolution, interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to Cede & Co. or its legal representative upon the surrender hereof.

Any notice of redemption may state that the redemption to be effected is conditioned on receipt by the Bond Registrar on or before the redemption date of moneys sufficient to pay the redemption price of and interest on the Bonds to be redeemed. If such notice contains such a condition and moneys sufficient to pay the redemption price of and interest on such Bonds are not received by the Bond Registrar on or before the redemption date, the redemption shall not be made and the Bond Registrar will within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received and the redemption will not take place.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One Bond certificate with respect to each date on

which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of DTC, is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal, redemption price and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal, redemption price and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, the Issuer will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his office the books of the Issuer for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this Bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the City of Greensboro sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional or statutory limitation thereon.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Issuer, by resolution duly passed by its City Council, has caused this bond [to be manually signed by] [to bear the facsimile signatures of] its [Mayor] [City Manager] and its [Deputy] City Clerk and [a facsimile of] its corporate seal to be [printed] [impressed] hereon, all as of the 1st day of February, 2006.

[Mayor] [City Manager]

[Deputy] City Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Acting Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

Finance Director of the City of
Greensboro, North Carolina,
as Bond Registrar

By _____
Authorized Signatory

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto _____

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints _____

attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

Signature Guaranteed:

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds maturing prior to February 1, 2017 will not be subject to redemption prior to maturity. The Bonds maturing on February 1, 2017 and thereafter will be redeemable, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than February 1, 2016, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal

amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000 and, further, that so long as a book-entry system with DTC is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC shall determine by lot the amount of the interest of each direct participant in the Bonds to be redeemed. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer, provided that such notice to Cede & Co. shall be given by certified or registered mail. Failure to mail such notice or any defect therein shall not affect the validity of the redemption as regards registered owners to whom such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

Any notice of redemption may state that the redemption to be effected is conditioned on receipt by the Bond Registrar on or before the redemption date of moneys sufficient to pay the redemption price of and interest on the Bonds to be redeemed. If such notice contains such a condition and moneys sufficient to pay the redemption price of and interest on such Bonds are not received by the Bond Registrar on or before the redemption date, the redemption shall not be made and the Bond Registrar will within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received and the redemption will not take place.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the redemption price of the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, have been deposited by the Issuer to be held in trust for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the redemption price thereof, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or

Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal of and interest on the Bonds. The Finance Director of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The Issuer covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended, except to the extent that the Issuer obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bonds being includable in the gross income of the owners of the Bonds for purposes of federal income taxation.

Section 7. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2006, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2006, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the heading "The City-Debt Information and - Tax Information" in the Official Statement relating to the Bonds (excluding any information on overlapping units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the financial statements referred to in (a) above;

(c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board ("MSRB"), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;

- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) bond calls;
- (9) defeasances;
- (10) release, substitution or sale of any property securing repayment of the Bonds;
and
- (11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

To the extent permitted by the U.S. Securities and Exchange Commission, the Issuer may discharge the undertaking described above by transmitting such financial statements, financial and statistical information and notices to www.disclosuresusa.org.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds then outstanding may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by approving vote of the registered owners of not less than a majority in principal amount of the Bonds then outstanding pursuant to the terms of this bond resolution, as it may be amended from time to time.

The Issuer agrees that the annual financial information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendments and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section 8 shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 8. The action of the Finance Director of the Issuer in applying to the LGC to sell the Bonds and the action of the LGC in asking for sealed bids for the Bonds by distributing a Notice of Sale and Bid Form and a Preliminary Official Statement relating to the sale of the Bonds are hereby ratified and approved. Such Preliminary Official Statement, dated January 6, 2006 and substantially in the form presented at this meeting, is hereby approved, and the Mayor, the City Manager and the Finance Director of the Issuer are each hereby authorized to approve the Official Statement, in substantially the form of the Preliminary Official Statement, including changes necessary to reflect the interest rates on the Bonds, the offering prices of the Bonds and any credit enhancement for the Bonds purchased by the successful bidder, and to execute such Official Statement for and on behalf of the Issuer.

Section 9. This resolution shall take effect upon its passage.

The City Attorney then announced that she had approved as to form the foregoing resolution.

Upon motion of Councilmember Yvonne J. Johnson, seconded by Councilmember T. Dianne Bellamy-Small, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$12,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2006" was passed by roll call vote as follows:

Ayes: Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Keith A. Holliday, Yvonne J. Johnson, Thomas M. Phillips and Goldie F. Wells.

Noes: None.

Thereupon Mayor Holliday announced that said resolution had passed by a vote of 9 to 0.

* * * * *

Mayor Holliday introduced a resolution amending agreement with Greensboro Housing Authority for housing vouchers for Gulf Coast Evacuees.

Andy Scott, Housing and Community Development Department Director, spoke briefly to the assistance this would provide and noted application would be made to the Federal Emergency Management Association (FEMA) for reimbursement.

After brief discussion, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

3-06 RESOLUTION AMENDING AGREEMENT WITH GREENSBORO HOUSING AUTHORITY FOR HOUSING VOUCHERS FOR GULF COAST EVACUEES

WHEREAS, the Community Resource Board recommended the use of \$30,000 in housing vouchers for Gulf Coast Evacuee temporary housing assistance on October 20, 2005;

WHEREAS, an Agreement was entered into between the City of Greensboro and Greensboro Housing Authority at that time for said vouchers;

WHEREAS, an additional \$45,000 in housing vouchers is needed to cover three additional months of assistance for the 72 individuals currently receiving vouchers;

WHEREAS, the additional costs of these vouchers will be funded from the Nussbaum Housing Partnership Fund unallocated fund balance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That an amendment to the Agreement between the City of Greensboro and Greensboro Housing Authority for the Gulf Coast Evacuee housing vouchers for an additional \$45,000 of Nussbaum Housing Partnership funds is hereby approved.

(Signed) Sandy Carmany

.....

The Mayor introduced a resolution extending the lease agreement with Bryan Park Golf, LLC and amending the provision for contribution by the City.

After a brief explanation by the City Manager, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

4-06 RESOLUTION EXTENDING THE LEASE AGREEMENT WITH BRYAN PARK GOLF, LLC AND AMENDING THE PROVISION FOR CONTRIBUTION BY THE CITY TO DEFRAY COSTS AND EXPENSES

WHEREAS, the City of Greensboro entered into a Contract with Bryan Park Golf, LLC for the operation of the Bryan Park Complex (including the golf courses, the pro shop, restaurant, the practice range, the tennis facility and the Enrichment Center);

WHEREAS, said Lease provides that the term shall be for three years with a three year extension;

WHEREAS, Bryan Park Golf, LLC has successfully operated and improved the facility for the last three years and, at the same time, reduced the costs to the City for the operation of the facility;

WHEREAS, in Section 3B. of its initial contract the City agreed to provide \$125,000 per year toward the operation of the Bryan Park facility;

WHEREAS, it is in the best interest of the citizens to extend the Lease with Bryan Park, LLC and to continue the City's contribution toward the operation of the facility for capital expenses only.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the Contract between the City of Greensboro and Bryan Park Golf, LLC be extended for three years.
2. That Section 3B. of said Contract be amended to provide that the City will continue to pay \$125,000 per year to the Lessee for capital expenditures only.

(Signed) Thomas M. Phillips

.....

Eddie Summers, Greensboro Police Officer and representing members of the Greensboro Police Officers' Association, reviewed concerns of the association that had been shared with Council regarding the Police Department. Speaking to the recent police investigation and sharing his thoughts with regard to what he believed to be the importance of the release of information with regard to Chief David Wray's administration, Mr. Summers requested the release of all information about the investigation. He stated that, in his opinion, the information could be released because it was in the best interest of the city and would restore faith in the Police Department.

.....

Luther Falls, residing at 303 P Avalon Road, provided a history of the upcoming Black History Month Business Expo in February and spoke to the City's participation in this effort.

.....

Council discussed various events and items of interest to the community, including a District Two Town Meeting and the MLK, Jr. events.

.....

Councilmember Johnson provided a brief review of updated information with regard to Willow Oaks.

.....

Councilmember Wells added the name of Linda Waddell to the boards and commissions data bank for consideration for future service on the Commission on the Status of Women.

Councilmember Wells moved that Norita Speaks be appointed to fill her unexpired term on the Library Board of Trustees; this term will expire 15 August 2007. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

.....

Councilmember Gatten added the name of John Buford to the boards and commissions data bank for consideration for future service on the Guilford County Historic Properties Commission.

Councilmember Gatten moved that Councilmember Johnson be appointed to serve a term on the Tourism Development Authority as Council's representative; the term will expire 30 September 2008. The motion was seconded by Councilmember Wells and adopted unanimously by voice vote of Council.

.....

Councilmember Bellamy-Small reported on Randleman Road neighborhood residents' efforts and activities to continue to maintain and enhance the area.

.....

Councilmember Carmany added the name of Jim Thompson to the boards and commissions data bank for consideration for service on the Greensboro Transit Authority.

Councilmember Carmany added the name of Cathy Crutchfield to the boards and commissions data bank for consideration for service on the Commission on the Status of Women.

.....

After Councilmember Carmany noted that two Council members were needed as soon as possible to serve on the Transportation Advisory Commission, the Mayor noted that he was in the process of polling Council with regard to their specific areas of interest to determine who would be willing to fill the positions.

Council briefly discussed other boards and commissions vacancies and future appointments.

.....

The Mayor briefly spoke to Council's January 4, 2006 pre-retreat meeting and the Council Retreat planned later in January.

Mayor Holliday noted that the co-chairs of the Bicentennial Commission had requested Council to consider adding three additional members to the Commission in order to provide more diversity; he noted the three individuals proposed for membership represented Latinos, Native Americans and a religious group.

Some members of Council discussed the original membership of the Commission, Council's efforts to make sure each council district was represented and that membership was inclusive, opinions with regard to the request of the Commission's chairs to add three more positions to add additional diversity, etc. Councilmember Phillips disagreed with adding additional members, expressed concern that this action might result in requests for representation by other groups, and stated that he believed the original membership was sufficient and inclusive.

Councilmember Johnson moved that the Commission membership be increased by three positions. The motion was seconded by Councilmember Wells; the motion was adopted on an 8-1 voice vote of Council, with Councilmember Phillips voting no.

Mayor Holliday thereupon entered the names of Cathy Hinshaw, Cathy Levinson and Jennifer Revels Baxter to the Bicentennial Commission data bank for consideration for future service.

.....

Brief discussion was held with regard to Greensboro's new Arena Football team, Greensboro Revolution, and its first game scheduled for March 2006.

.....

The City Manager requested that Council adjourn to closed session to discuss a personnel matter. The Mayor advised that Council could return to open session following the closed session. Councilmember Bellamy-Small thereupon moved that the City Council adjourn to Closed Session for the purpose of discussing a Personnel Matter. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 7:30 P.M.

JUANITA F. COOPER
CITY CLERK

KEITH A. HOLLIDAY
MAYOR

The meeting reconvened at 8:53 p.m. with all members of Council present. The City Manager, City Attorney and City Clerk were also present.

At the Mayor's request, Councilmember Barber moved that Council come out of Closed Session and reconvene in Open Session. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

After the Mayor called upon Councilmember Johnson, she read into the minutes and moved adoption of the following motion. The motion was seconded by Councilmember Bellamy-Small and adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

A MOTION APPROVING THE RELEASE BY THE CITY MANAGER OF CERTAIN INFORMATION CONCERNING DISCIPLINARY ACTION INVOLVING THE RESIGNATION OF POLICE CHIEF DAVID A. WRAY

WHEREAS, there has been great public concern and confusion with regard to the resignation of Chief Way as the Greensboro Police Chief and other actions regarding Chief Way's managerial authority;

WHEREAS, this concern and confusion, which has prevailed over several months, had led directly to a decline in public trust and confidence in the ability and efficiency of the Police Department;

WHEREAS, the law of the State of North Carolina allows for the public release of otherwise privileged information to restore and maintain public confidence in the administration of City law enforcement agencies;

WHEREAS, the City Manager has requested that the City Council concur in the release of pertinent information acquired as a result of the recent investigation of the Police Department, ordered by the City Manager.

NOW THEREFORE, it is hereby Moved that after the careful review and consideration of the information contained in the document prepared and recommended for release by the City Manager, including information relating to Lt. James E. Hinson and his return to active duty, Council hereby approves its public release in conformance with NCGS 160A-168(c)(7) for the essential purposes of eliminating confusion and mis-information and restoring and helping to maintain public confidence in the activities and services of the Greensboro Police Department.

IT IS FURTHER MOVED that the written information be retained in the Office of the City Clerk available for public inspection and shall become a part of the employee's personnel file as required by law.

.....

The City Manager advised that he would hold a press conference following this Council meeting to discuss information approved for release by the City Council.

.....

Councilmember Bellamy-Small moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

THE CITY COUNCIL ADJOURNED AT 8:57 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
